



General Assembly

February Session, 2008

Raised Bill No. 5535

LCO No. 1830

01830_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT ADOPTING THE UNIFORM REAL PROPERTY ELECTRONIC
RECORDING ACT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) Sections 1 to 7, inclusive,
2 of this act may be cited as the "Uniform Real Property Electronic
3 Recording Act".

4 Sec. 2. (NEW) (*Effective October 1, 2009*) As used in sections 1 to 7,
5 inclusive, of this act:

6 (1) "Document" means information that is: (A) Inscribed on a
7 tangible medium or that is stored in an electronic or other medium and
8 is retrievable in perceivable form; and (B) eligible to be recorded in the
9 land records maintained by the town clerk.

10 (2) "Electronic" means relating to technology having electrical,
11 digital, magnetic, wireless, optical or electromagnetic capabilities or
12 similar capabilities.

13 (3) "Electronic document" means a document that is received by the
14 town clerk in an electronic form.

15 (4) "Electronic signature" means an electronic sound, symbol or
16 process attached to or logically associated with a document and
17 executed or adopted by a person with the intent to sign the document.

18 (5) "Person" means an individual, corporation, business trust, estate,
19 trust, partnership, limited liability company, association, joint venture,
20 public corporation, government or governmental subdivision, agency,
21 or instrumentality, or any other legal or commercial entity.

22 (6) "State" means a state of the United States, the District of
23 Columbia, Puerto Rico, the United States Virgin Islands, or any
24 territory or insular possession subject to the jurisdiction of the United
25 States.

26 Sec. 3. (NEW) (*Effective October 1, 2009*) (a) If a law requires, as a
27 condition for recording, that a document be an original, be on paper or
28 another tangible medium, or be in writing, the requirement is satisfied
29 by an electronic document satisfying sections 1 to 7, inclusive, of this
30 act.

31 (b) If a law requires, as a condition for recording, that a document
32 be signed, the requirement is satisfied by an electronic signature.

33 (c) A requirement that a document or a signature associated with a
34 document be notarized, acknowledged, verified, witnessed or made
35 under oath is satisfied if the electronic signature of the person
36 authorized to perform that act, and all other information required to be
37 included, is attached to or logically associated with the document or
38 signature. A physical or electronic image of a stamp, impression or seal
39 need not accompany an electronic signature.

40 Sec. 4. (NEW) (*Effective October 1, 2009*) (a) As used in this section,
41 "paper document" means a document that is received by the town
42 clerk in a form that is not electronic.

43 (b) A town clerk:

44 (1) Who implements any of the functions listed in this section shall
45 do so in compliance with regulations adopted by the State Librarian
46 pursuant to section 5 of this act.

47 (2) May receive, index, store, archive and transmit electronic
48 documents.

49 (3) May provide for access to, and for search and retrieval of,
50 documents and information by electronic means.

51 (4) Who accepts electronic documents for recording shall continue
52 to accept paper documents as authorized by state law and shall place
53 entries for both types of documents in the same index.

54 (5) May convert paper documents accepted for recording into
55 electronic form.

56 (6) May convert into electronic form information recorded before
57 the town clerk began to record electronic documents.

58 (7) May accept electronically any fee or tax that the town clerk is
59 authorized to collect.

60 (8) May agree with other officials of this state or a political
61 subdivision thereof, or of the United States, on procedures or processes
62 to facilitate the electronic satisfaction of prior approvals and conditions
63 precedent to recording and the electronic payment of fees and taxes.

64 Sec. 5. (NEW) (*Effective October 1, 2009*) (a) The State Librarian, in
65 consultation with the Public Records Administrator and the Real
66 Property Electronic Recording Advisory Committee established in
67 subsection (b) of this section, shall adopt regulations, in accordance
68 with chapter 54 of the general statutes, to implement sections 1 to 7,
69 inclusive, of this act.

70 (b) (1) The State Librarian shall establish a Real Property Electronic
71 Recording Advisory Committee. The members of the committee shall

72 be appointed by, and serve at the pleasure of, the State Librarian. The
73 members of the committee shall serve without compensation, but shall
74 be reimbursed, within available appropriations, for expenses
75 necessarily incurred in the performance of their duties. The committee
76 shall advise the State Librarian with respect to adopting, amending
77 and repealing regulations under this section.

78 (2) The committee shall consist of the following:

79 (A) Three town clerks, one of whom shall be the town clerk of a
80 municipality having a population of less than twenty thousand, one of
81 whom shall be the town clerk of a municipality having a population of
82 at least twenty thousand but less than sixty thousand, and one of
83 whom shall be the town clerk of a municipality having a population of
84 at least sixty thousand;

85 (B) Three attorneys experienced in real estate law;

86 (C) The Secretary of the State, or a designee;

87 (D) The Public Records Administrator, or a designee;

88 (E) An individual experienced in mortgage banking;

89 (F) An individual experienced in the business of title insurance;

90 (G) A notary public;

91 (H) An individual with experience performing title searches of real
92 property; and

93 (I) A licensed real estate broker.

94 (c) To keep the standards and practices of town clerks in this state in
95 harmony with the standards and practices of recording offices in other
96 jurisdictions that enact legislation substantially the same as sections 1
97 to 7, inclusive, of this act and to keep the technology used by town
98 clerks in this state compatible with technology used by recording

99 offices in other jurisdictions that enact legislation substantially the
100 same as sections 1 to 7, inclusive, of this act, the State Librarian, so far
101 as is consistent with the purposes, policies and provisions of sections 1
102 to 7, inclusive, of this act, in adopting, amending and repealing
103 regulations shall consider: (1) Standards and practices of other
104 jurisdictions; (2) the most recent standards promulgated by national
105 standard-setting bodies, such as the Property Records Industry
106 Association; (3) the views of interested persons and governmental
107 officials and entities; (4) the needs of municipalities of varying size,
108 population and resources; and (5) standards requiring adequate
109 information security protection to ensure that electronic documents are
110 accurate, authentic, adequately preserved and resistant to tampering.

111 Sec. 6. (NEW) (*Effective October 1, 2009*) In applying and construing
112 the uniform provisions of sections 1 to 7, inclusive, of this act,
113 consideration must be given to the need to promote uniformity of the
114 law with respect to its subject matter among states that enact such
115 uniform provisions.

116 Sec. 7. (NEW) (*Effective October 1, 2009*) Sections 1 to 7, inclusive, of
117 this act modify, limit and supersede the federal Electronic Signatures
118 in Global and National Commerce Act, 15 USC 7001 et seq., but does
119 not modify, limit or supersede Section 101(c) of said act, 15 USC
120 7001(c), or authorize electronic delivery of any of the notices described
121 in Section 103(b) of said act, 15 USC 7003(b).

122 Sec. 8. Subsection (b) of section 1-268 of the general statutes is
123 repealed and the following is substituted in lieu thereof (*Effective*
124 *October 1, 2009*):

125 (b) Sections 1-266 to 1-286, inclusive, do not apply to a transaction to
126 the extent it is governed by:

127 (1) A law governing the creation and execution of wills, codicils or
128 testamentary trusts; or

129 (2) Except to the extent provided in section 1-281, the Uniform
130 Commercial Code, other than section 42a-1-306 and articles 2 and 2A
131 of title 42a, [; or]

132 [(3) Sections 47-10, 47-12, 47-12a, 47-14g, 47-14j, 47-14k, 47-15, 47-16,
133 47-17, 47-18a and 47-19.]

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	New section
Sec. 3	<i>October 1, 2009</i>	New section
Sec. 4	<i>October 1, 2009</i>	New section
Sec. 5	<i>October 1, 2009</i>	New section
Sec. 6	<i>October 1, 2009</i>	New section
Sec. 7	<i>October 1, 2009</i>	New section
Sec. 8	<i>October 1, 2009</i>	1-268(b)

Statement of Purpose:

To adopt the Uniform Real Property Electronic Recording Act, providing town clerks with the legal authority to prepare for electronic recording of real property instruments.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]